IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

WP(C).No. 35759 of 2005(F)

PETITIONER:

PURUSHAN, S/O. KUNJAN,
AGED 53 YEARS, POZHICHIRA PUTHIYA NIKARTHIL,
THURAVOOR SOUTH VILLAGE, CHERTHALA TALUK,
THIRUMALA BHAGOM P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.M.P.CHOTHY

RESPONDENTS:

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1. REGISTRAR (GENERAL MANAGER),
DISTRICT INDUSTRIAL CENTER, ALAPPUZHA.

2. SECRETARY,
POZHICHIRA HARIJAN INDUSTRIAL CO-OPERATIVE
SOCIETY LTD. NO.SIND (A) 158, PALLITHODE P.O.,
THURAVOOR, ALAPPUZHA DISTRICT.

3. SYRUS,
JUNIOR CO-OPERATIVE INSPECTOR (THE THEN RETURNING
OFFICER), DISTRICT INDUSTRIES OFFICE, ALAPPUZHA.

4. AJITH,
JUNIOR CO-OPERATIVE INSPECTOR (THE THEN
ADMINISTRATOR OF POZHICHIRA HARIJAN INDUSTRIAL
CO-OPERATIVE SOCIETY).

5. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVT. OF
KERALA, INDUSTRIES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY G.P.SMT.A.G.ANEETHA FOR R1 & R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Thankappan, J.

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W.P.(C). No. 35759 of 2005

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Dated this the 1st day of November, 2006

JUDGMENT

The petitioner has approached this Court for setting aside the election of the Pozhichira Harijan Industrial Co-operative Society conducted on 30-6-2005 as it was illegal.

2. The grievance of the petitioner is that his name was deleted from the final voters list of the Society. The election to the managing committee of the society was conducted on 30-6-2005 and the result was published. As per the provisions of the Kerala Co-operative Societies Act, 1969 and the Kerala Co-operative Societies Rules, 1969, dispute arising in connection with election shall be raised before the Co-operative Arbitration Court within the prescribed time limit. However, the petitioner had not challenged the election. It appears that in the preliminary voters list the name of the petitioner was included and his name was deleted from the final voters list following a petition signed by some of the members of the society. Subsequently, the petitioner approached this Court and this Court directed the managing committee of the society to take steps to enroll the petitioner

as member of the society and the managing committee of the society as per their resolution dated 15-11-2005 has given membership to the petitioner.

3. In the above circumstances, this Court is of the view that the dispute arising in connection with the election of the managing committee has to be decided by Co-operative Arbitration Court. Hence, the writ petition is dismissed. Dismissal of this writ petition will not preclude the right of the petitioner's to file election petition as per law.

K.Thankappan,
Judge.

mn.

K. Thankappan,J.

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W.P.(C) No. /2006

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Judgment

1-11-2006